

Notice of Allowability

Application No.

09/989,929

Examiner

Kambiz Abdi

Applicant(s)

KOWAL ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to October 26, 2006.
2. ☒ The allowed claim(s) is/are 1-7 and 10-18 (Renumbered as 1-16).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

KAMBIZ ABDI
PRIMARY EXAMINER

Kambiz Abdi
Primary Examiner
Art Unit: 3621

Art Unit: 3621

DETAILED ACTION

1. Prior office actions for related applications are incorporated in this office action by reference.

Claims 1, 11, 20, 42, 45, 48, and 49 have been amended.

- Claims 8-9 and 19-20 have been canceled.
- Claims 1-7 and 10-18 are allowed.
- Claims 3, 7, 10-15 currently amended.

2. Based on the interview conducted on October 30, 2006 with the applicant and further clarification by the applicant by filing a supplemental amendment filed on November 17, 2006 and further discussion of the invention in the remark section of the newly filed amendments, the following allowability of subject matter has been considered.

Allowable Subject Matter

3. Claims 1-7 and 10-18 are allowed over the prior art of record.

4. The following is an examiner's statement of reason for allowance:

5. Prior art of records; PROGRAMMED FOR PERFECTION-(frequent guest programs)(Focus on Hotels special issue)- Ylinen, Jerry-Travel Weekly, v47, n38, p26(3)-April 30, 1988 [Programmed], Description of the Background Art, paragraphs 1 and 2 [DBA], and further CASINO DATA SYSTEMS-Going Public the IPO Reporter, v17, n13, pN/A- March 29, 1993. [Casino] both are general description of the art.

6. The Programmed reference cited by the Examiner discusses Frequent Stay incentive programs at various hotel chains. The Programmed reference fails to disclose or suggest that the customer value is specific to the property and the property is tied to gambling activity incentives. Additionally it is not disclosed by the prior art of record that the price of the resource is based on such incentives as determined by the system based on the gambling activities in the properties.

7. Furthermore, a customer value is specific to a property. That customer value must be specific to the property and must also be based on the customer's gambling activities at two or more properties. And

Art Unit: 3621

a customer value specific to the property that is also based on the customer's activities at two or more properties. Thus, it is not just that a different valuation will be obtained for each property; but that these are different valuations and are based on gambling activities of the customer at two or more properties.

8. In regards to independent claims 1, 3, 7, 10, 11, 12, 13, 14, 15, 17, and 18, the closest prior art of record when taken either individually or in combination with other prior arts of record fails to teach or fairly suggest the step of; a customer value is specific to a property. That customer value must be specific to the property and must also be based on the customer's gambling activities at two or more properties. And a customer value specific to the property that is also based on the customer's gambling activities at two or more properties based on whether there are to be multiple customers in a room. Thus, it is not just that a different valuation will be obtained for each property; but that these are different valuations and are based on gambling activities of the customer at two or more properties in relation to the gambling activities in the past as well as the present within the properties and the resource request in relation to the properties.

9. Dependent claims 2 and 16 are dependent upon independent claims 1, and claims 4-6 are dependent on independent claim 3, thus have all the limitations of claims 1 and 3, therefore, allowable for the same reason.

10. Any comments considered necessary by the applicant must be submitted no later than the payment of the issues fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3621

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Andrew Fischer** can be reached at **(571) 272-6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

<http://portal.uspto.gov/external/portal/pair>

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(571) 273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6702 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the

Knox Building, 50 Dulany St. Alexandria, VA.

**Kambiz Abdi
Primary Examiner
AU 3621**

**KAMBIZ ABDI
PRIMARY EXAMINER**

November 21, 2006